

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

WILLIE WELLS, III

PETITIONER

VS.

3:05CV00075 WRW/JTR

RICHARD "DICK" BUSBY,
Sheriff, Crittenden County, Arkansas

RESPONDENT

ORDER

Pending before the Court is a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. (Docket entry #2.) Respondent has filed a Response arguing that the Petition should be dismissed, with prejudice, because: (1) Petitioner is no longer in Respondent's custody; and (2) Petitioner does not challenge his conviction, but his incarceration prior to his guilty plea. (Docket entry #12.) The Court concludes that a Reply from Petitioner would be helpful to the resolution of this case.¹

IT IS THEREFORE ORDERED THAT Petitioner shall file, **on or before December 16, 2005**, a Reply addressing the arguments raised in the Response. (Docket entry #12.)

Dated this 21st day of November, 2005.


UNITED STATES MAGISTRATE JUDGE

¹ The Court reminds Petitioner of Local Rule 5.5(c)(2), which provides that: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. *If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice.* Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure." (Emphasis added).